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IN THE  
**Supreme Court of the United States**

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POWEREX CORP., A CANADIAN CORPORATION,  
DBA POWEREX ENERGY CORP.,  
*Petitioner,*

v.

CALIFORNIA DEPARTMENT OF WATER RESOURCES,  
*Respondent.*

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**On Petition for a Writ of Certiorari  
to the United States Court of Appeals  
for the Ninth Circuit**

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**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

1. Whether an entity that is wholly and beneficially owned by a foreign state's instrumentality, that engages in energy trade on behalf of the foreign state, and that performs international treaty and trade agreement obligations for the benefit of the foreign state, may nonetheless be denied status as an "organ of a foreign state" under the Foreign Sovereign Immunities Act of 1976 ("FSIA"), 28 U.S.C. § 1603(b)(2), based on an analysis of sovereignty that ignores the circumstances surrounding the entity's creation, conduct, and operations on behalf of its government.

2. Whether an entity is an "agency or instrumentality of a foreign state" under the FSIA, 28 U.S.C. § 1603(b)(2), when its shares are completely owned by a governmental corporation that, by statute, performs all of its acts as the agent of the foreign sovereign.

### **PARTIES TO THE PROCEEDINGS**

Petitioner Powerex Corp., a Canadian corporation, dba Powerex Energy Corp. was the defendant in the district court and is the appellant in the court of appeals proceedings.

Respondent California Department of Water Resources was the plaintiff in the district court and is the appellee in the court of appeals proceedings.

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 29.6 of the Rules of this Court, petitioner Powerex Corp. states the following:

Powerex Corp. is a Canadian corporation incorporated under British Columbia's Company Act. Powerex is wholly owned by the British Columbia Hydro and Power Authority, which is a Provincial Crown Corporation owned in its entirety by Her Majesty the Queen in right of the Province of British Columbia. No publicly held company owns any Powerex stock.



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